

1 US ARMY CORPS OF ENGINEERS
2 KANSAS CITY DISTRICT
3 UNIT L385 PRE-BID CONFERENCE

4
5 TRANSCRIPT OF PROCEEDINGS

6
7 On Wednesday, the 9th day of January,
8 2002, at 9:00 a.m., the US Army Corps of
9 Engineers, Kansas City District, held a pre-bid
10 conference at Riverside City Hall, Riverside,
11 Missouri.

1 (The pre-bid conference commenced at
2 9:10 a.m.)

3 MR. DIMMITT: Okay. I think we're
4 about ready to get started. I appreciate
5 everyone coming out today to talk about L385.
6 Before we get started, we have a few
7 introductions to make. And the first
8 introduction I'd like to make is Mayor Burch,
9 the mayor of Riverside. Mayor, do you have a
10 few remarks you want to make before we get
11 started?

12 MS. BURCH: Good morning everyone, and
13 I'm real happy to see you here today. You
14 really don't know how long we've waited on this
15 project. It's been like 60 years. Can you hear
16 me? Okay. We are excited about this. We are
17 ready to go on this. Hopefully, everybody's got
18 their pencils real sharp and come in with a good
19 bid so we can go ahead with this project. It's
20 about a two- to three-year project. It's
21 something that we've waited for. And if any of
22 you were around here in 1993, you know today why
23 we need this.

24 So I've got a couple of introductions.
25 I've got a couple of aldermen here today, Ray

1 Beard and Jim Wedua. And then our levee board
2 also is here, Bob Gieseke, who is our president,
3 and Bob Varker. And I thought I seen
4 Mr. McClelland come in. Is he here? There you
5 are. Okay. And so we have two of our own
6 attorneys, Deborah Polk and John McClelland
7 here.

8 So if you are ready, we're ready to
9 start this off, so I'll give it back to Bob.
10 Thank you for coming.

11 MR. DIMMITT: Okay. Thank you, ma'am.
12 I'd just like to also mention that we have a
13 court reporter here that will be writing down
14 everything that we're saying. We will be
15 posting the minutes on the web page. And in
16 case I didn't say it, my name is Bob Dimmitt.
17 I'm project manager with the Corps of Engineers.
18 Sitting up here beside me is the Corps of
19 Engineers, the product development team, the
20 technical folks that put this project together.
21 And I think I'll just start out and let you
22 introduce yourself and, if you wouldn't mind,
23 just say your name and what area your expertise
24 is.

25 MR. MIRAMONTEZ: My name is Pat

1 Miramontez. I'm a cost engineer for the Corps
2 of Engineers.

3 MR. SIVAKUMARZ: My name is Siv
4 Sivakumarz. I'm the structural engineer, Kansas
5 City district.

6 MS. LUST: Kathy Lust. I'm the
7 resident engineer at the field office
8 responsible for code administration.

9 MR. DETRICK: My name is Charlie
10 Detrick and I'm in channels and levees
11 engineering.

12 MR. BATEMAN: My name is Rich Bateman.
13 I'm with the Corps of Engineers here. On this
14 project I'm the geotech design engineer.

15 MR. HUFF: I'm Dick Huff. I'm a
16 structural engineer.

17 MS. O'CONNELL: Tricia O'Connell,
18 civil engineer, Corps of Engineers.

19 MR. STARK: Ken Stark, hydraulic
20 engineer.

21 MR. SCHUETTPELZ: Marty Schuettpelz.
22 I'm the environmental resources contact with the
23 Corps.

24 MR. WAGNER: I'm Chad Wager. I
25 represent the contracting office.

1 MS. CROSS: I'm Rochelle Cross,
2 attorney for the Corps of Engineers.

3 MR. DIMMITT: We also have a few
4 people that are sitting out in the audience.
5 Walter Heimbaugh worked on specifications and
6 Earl Smith also worked on contracting documents.

7 Before we get started also, I have a
8 sign-in roster. Earl has got a sign-in roster
9 going through the audience, and we'd like for
10 you to write down your name and who you
11 represent, and we will post this on the web page
12 also.

13 Before we get started, I have a couple
14 of items I'd like to call your attention to in
15 the bid documents. I assume most of you have
16 got the bid documents by now and probably have
17 noticed that the bids are scheduled to be opened
18 on February the 5th at 2:00 p.m. in the Corps of
19 Engineers office. You just need to make sure
20 that you acknowledge all your amendments before
21 you submit your bids and that you've fully
22 filled out your bid schedule before you submit
23 them obviously.

24 The project is full open competition.
25 We have three bid schedules. The first bid

1 schedule is for the phase I project which builds
2 a portion of the Quindaro levee. The second bid
3 schedule is for the phase II portion of the
4 project that builds the remainder of the levee.
5 The third bid schedule is a combination of
6 phase I and phase II, builds the entire project.
7 You can bid any or all three of the bid
8 schedules as you see fit. We'll award the job
9 based on the low bid. If you take the low bid
10 for phase I, add it to the low bid of phase II,
11 compare it to the overall bid, we'll award to
12 the low bid. So it may go two contracts or it
13 may go to just one contract depending on the
14 price.

15 Very quickly, these are very typical
16 Corps of Engineers specifications that most of
17 you are familiar with. Division I
18 specifications are general specifications.
19 Division II is site work. Division III,
20 concrete specifications, et cetera. I would
21 also like to call your attention to
22 specifications section 2101, special scheduling.
23 We have several locations where you are required
24 to notify adjacent landowners prior to starting
25 work and then you only have a certain amount of

1 time to accomplish that work. Also, on the
2 phase II portion of the contract, you'll have to
3 cross the Burlington Northern main line tracks
4 twice and the very tight time frame to get that
5 done. We're shutting one of the tracks down,
6 but you can only shut it down for about 30 days,
7 for 30 days. Again, that's covered in detail in
8 the specifications. I just want to make sure
9 everybody is aware of that.

10 Today is also a good day to look over
11 the project. We called for the 60-degree
12 weather today so we should have a nice day to go
13 out and look at the project. Those of you that
14 aren't native to Missouri, usually this week
15 it's about 10 below zero with about a foot of
16 snow, so we've lucked out.

17 We will mention that the sponsor does
18 not have all the real estate for the project so
19 you need to stay on public roads to look at the
20 project. If you want to get off onto some
21 private land to look where the levee's actually
22 going to be built, you will have to get a right
23 of entry from the landowner and you will have to
24 check with the city sponsor or the Corps of
25 Engineers to get right of entry to get out onto

1 some of the land.

2 I have a couple of other issues to
3 discuss before we open it to questions. If you
4 have -- we have a big audience here, and I'm
5 sure a lot of you have a lot of detailed
6 questions. In order to save time on your real
7 detailed questions about specific areas of the
8 specifications, or if you think there's an error
9 or something, we'd ask that you submit those
10 questions to us in writing and that you try to
11 hold your questions here to general questions
12 that we'll try to respond to. We'll take your
13 written questions and we will either put out an
14 amendment or we will clarify on the web page.
15 So if we can do that, I think that would hold
16 the length of the meeting down to a reasonable
17 length today. Also, if you have any late
18 arrivers, please sign in to the roster before
19 you leave.

20 I just want to emphasize that it's not
21 our intent with this meeting, anything that we
22 say up here does not change the specifications
23 or the plans. If we change something, or you
24 think that we're saying something different than
25 is in the plans, we are not changing the plans

1 unless we issue an amendment. Also, if you find
2 a discrepancy between the specifications and the
3 plans, the specifications will govern, typical
4 rules that we have.

5 Before I open it up to questions, I
6 would also like to say if you have a question,
7 please come up to the podium and state your name
8 and who you represent and ask your question.
9 And, again, try to hold your questions to
10 general questions. And, with that, I think I'll
11 go ahead and open it up to questions.

12 MR. RICK SMITH: Rick Smith of Weeks
13 Marine.

14 MR. DIMMITT: Please come up to the
15 podium, please.

16 MR. RICK SMITH: Just a format
17 question. Are you guys going to make a
18 presentation on the general scope of work so we
19 could know for sure that we understand, you
20 know, the difference between phase I and
21 phase II for instance. Simple stuff.

22 MR. DIMMITT: We weren't planning on
23 it, but I can very quickly explain what phase I
24 and phase II is.

25 MR. RICK SMITH: And what, you know,

1 structure is there and just general overview of
2 the project.

3 MR. DIMMITT: Sure. We can do that.

4 I may need a little help from some of the team
5 here. This is just a depiction of what the
6 project looks like. We are located over here on
7 the right bank of Line Creek here in city hall.
8 The project is broken into basically two pieces.
9 You have the Quindaro portion of the project
10 which comes around the Missouri River, ties up
11 to Highway 9 next to Line Creek. You have the
12 Riverside portion of the project which is over
13 on the left bank of Line Creek. The phase I
14 project starts about right in here where the
15 Intercontinental property, Intercontinental
16 factory is, comes down over here to about 635.

17 The phase I project is mostly building
18 a levee. There is one structure, as I recall,
19 stop log gap K2. Otherwise, it's all earthwork,
20 and that's where the dredging -- that's where
21 the dredging contract is for phase I. Phase II
22 finishes up the Quindaro side. You have a
23 rolling gate Q0 across -- excuse me -- stop log
24 gate Q0 across Highway 9. You have a rolling
25 gate across Burlington Northern, a railroad gap.

1 You have a pump station over here. You have a
2 stop log gap at Q3 where the Argosy Casino is.
3 You have another rolling gate over across the
4 railroad tracks again. Can you hear? Okay.
5 Where it crosses the railroad track you have a
6 rolling gate and then it ties into Highway 9,
7 ties into the Highway 9 embankment. Sounds like
8 I'm fading out here.

9 On the Riverside portion we have a
10 rolling gate called R2 which crosses this road
11 here, 69. We have another stop log gap here,
12 R1A, goes right underneath -- help me out.
13 What's the name of the road? What's R2 on?

14 MR. BATEMAN: Really, ties outside of
15 Riverside, goes right through there under the
16 highway.

17 MR. DIMMITT: And then it ties in
18 coming along Line Creek, ties into high ground
19 over here. There also is some work that has to
20 be done on Line Creek to straighten the project
21 out, straighten the creek out. There also are a
22 lot of utility relocations and there are also
23 some large storm centers, some large gatewell
24 structures that have to be constructed.

25 Anything else anyone would like to add

1 as far as the general nature of the project?

2 And again, three bid schedules. Bid phase I,
3 phase II or bid the project all as one big
4 project. Does that answer your question?

5 MR. RICK SMITH: Great.

6 MR. DIMMITT: Okay. Next question?

7 MR. ROBERT GUICHET: Bob Guichet,
8 Great Lakes Dredge and Dock Company. Are there
9 any saw borings or data available on material
10 available in the river?

11 MR. DIMMITT: I believe there's
12 borings in the plans and specifications.

13 MR. ROBERT GUICHET: In the river?

14 MR. DIMMITT: Oh, in the river.

15 MR. ROBERT GUICHET: In the river.

16 MR. BATEMAN: Richard Bateman, Corps
17 of Engineers. There's none available in the
18 river. Just adjacent to the river bar grades
19 and along the levee and that's all. There's
20 nothing in the river in the plans.

21 MR. ROBERT GUICHET: Okay. There's
22 one other question. You all make a statement in
23 the specs that says water quality will be equal
24 or close to what is existing in the river, and
25 then it says also dredging operations will be

1 ceased if water quality measured at intakes mile
2 370 to 373.5 during dredging operations exceed
3 the established baseline. What is the
4 established baseline?

5 MR. DIMMITT: Let me answer it. We
6 took -- we took water quality tests at the water
7 intake Kansas City, Missouri, for a period of
8 about 18 months, and that is the established
9 baseline. And we will be taking -- the City of
10 Kansas City, Missouri, will be taking water
11 quality tests at the --

12 MR. ROBERT GUICHET: But the baseline
13 will go up and down as the river goes up and
14 down because more siltation is in the water at
15 certain times of the season.

16 MR. DIMMITT: Right. And it will go
17 up and down based upon the time of the year and
18 the amount of flow, et cetera. That's why we
19 did it over 18 months to try get a good baseline
20 of what it actually is.

21 MR. ROBERT GUICHET: Thank you.

22 MR. GARY PAULEY: Gary Pauley, Damon
23 Pursell Construction Company. I've got some
24 detailed questions you say should be submitted
25 in writing. How do you do that, who are they

1 sent to and can you do it over the Internet?

2 MR. DIMMITT: They're going to be
3 going to Earl Smith. And if you want to do it
4 by Internet, that's certainly fine. Earl, do
5 you have a card? Or you can give him hard
6 copies. Or what is your preference, Earl?

7 MR. EARL SMITH: Well, actually, it's
8 in the instructions. Again, it's possible to
9 put it on the Net or however, I believe even
10 through e-mail. It's going to be one or two
11 avenues. We'll provide that shortly after this
12 meeting, I promise you.

13 MR. GARY PAULEY: Okay. Through what,
14 an addendum or something?

15 MR. EARL SMITH: I'm sorry?

16 MR. GARY PAULEY: Are you going to let
17 us know how to do this through an addendum or --

18 MR. EARL SMITH: We're going to
19 communicate either through e-mail or through an
20 addendum.

21 MR. GARY PAULEY: Okay.

22 MR. DIMMITT: Why don't you give your
23 e-mail address or I'll give you my e-mail
24 address?

25 MR. EARL SMITH: That will start it,

1 yes.

2 MR. DIMMITT: That will start. That
3 will save a little time before --

4 MR. EARL SMITH: Absolutely.

5 MR. GARY PAULEY: Yeah, I think that's
6 a good idea.

7 MR. DIMMITT: So I'll give you some of
8 my cards if you want my e-mail, or you can have
9 Earl's or anyone's that you want to this
10 evening.

11 MR. GARY PAULEY: Okay. I couldn't
12 find, unless I missed it, completion dates for
13 the phases or time frames. Are they in there?
14 And if so, have I missed them somewhere?

15 MR. DIMMITT: I'm sure the length of
16 contract is in there someplace. The completion
17 date, Chad?

18 MR. WAGNER: Should be in section C.

19 MR. GARY PAULEY: Section C?

20 MR. WAGNER: I just didn't hear the
21 question. I'm sorry.

22 MR. DIMMITT: Okay.

23 AUDIENCE MEMBER: In what section?

24 MR. WAGNER: Section C.

25 MR. GARY PAULEY: Okay. I found the

1 liquidated damages, but I couldn't find the
2 dates or times.

3 MR. WAGNER: We provide them there.

4 MR. GARY PAULEY: Okay. And I'll look
5 again.

6 AUDIENCE MEMBER: That's section what?

7 MR. WAGNER: C.

8 MR. GARY PAULEY: All right. Is it
9 possible that a mobilization item can be added
10 to phase I? You've got one for phase II, you've
11 got one for the combination but you do not have
12 one for phase I, and there's obviously some cost
13 items that can't be covered under or would be
14 difficult to prorate under the items you've got.
15 Can we add one maybe?

16 MR. MIRAMONTEZ: We'll look at that.

17 MR. GARY PAULEY: All right. And I've
18 asked -- I called and asked about cross-sections
19 for each phase. Are they going to be provided?

20 MR. DIMMITT: Rich?

21 MR. BATEMAN: Richard Bateman, Corps
22 of Engineers. Try to address that. Right now
23 we have typical cross-sections to build the job
24 both phase I and phase II. We will be coming
25 out with an amendment stating how, how that's

1 available now as far as setting up things
2 yourself. There's some stuff available already.
3 So we'll be coming out with -- an amendment's
4 coming out right now that will address that.

5 MR. GARY PAULEY: Okay. All right.
6 But will it include draw and cross-sections of
7 each station at the --

8 MR. BATEMAN: As I recall the DSETM,
9 surface profile and profile, and that can be
10 generated from that data.

11 MR. GARY PAULEY: Okay. All right.
12 Thank you.

13 MR. ROBERT GUICHET: Bob Guichet again
14 with Great Lakes Dredge and Dock Company. One
15 here, is the Corps anticipating using a certain
16 size dredge for water quality or any other
17 reasons?

18 MR. DETRICK: Excuse me, using what?
19 I'm not sure --

20 MR. ROBERT GUICHET: What size dredge
21 is the Corps anticipating being used, the
22 required size for this project.

23 MR. DETRICK: Charlie Detrick, Corps
24 of Engineers. As far as the dredge, I think we
25 pretty much leave it open. I'm trying to

1 remember. It's been a while since I read that
2 section. But it pretty much leaves it open as
3 long as it produces the required product.

4 MR. ROBERT GUICHET: Okay. And number
5 two, there is a spec in there that says pervious
6 materials, i.e., dredge materials, are to be
7 placed in eight-inch layers.

8 MR. DETRICK: Correct.

9 MR. ROBERT GUICHET: How do you do
10 that with a hydraulic fill? You know, you're
11 placing it in an infinitely fine layer. As
12 you're placing it, the water is going to go over
13 it giving it hydraulic compaction. So it's
14 getting compacted as you're placing it. There's
15 no way to put it in an eight-inch layer unless
16 you stockpile somewhere and haul it.

17 MR. DETRICK: Well, I guess our
18 thoughts were -- or we can look at this a little
19 closer. But, again, the idea is -- I mean,
20 obviously there isn't going to be grade stakes
21 out there, but the idea is to have some control
22 over that thickness. If it appears like it's
23 getting --

24 MR. ROBERT GUICHET: What I'm trying
25 to say is, if you look at a typical section when

1 a dredge is pumping, your runoff goes, gradually
2 decreases. And your pipe is placing the
3 material and the water flows and it builds, and
4 it builds over the whole length of the total
5 fill. And it's infinitely building, and you're
6 not going to put in an eight-inch layer, back up
7 and repipe over it and put in another eight-inch
8 layer. It can't be done. So typically it's
9 pumped all at one all the way to grade and
10 material just flows ahead. As it reaches grade
11 you add a pipe on.

12 MR. DETRICK: So it sounds like to me
13 like your infinite layers you're getting your
14 eight-inch thickness.

15 MR. ROBERT GUICHET: That's what I'm
16 trying to say. You're not going to require this
17 eight-inch layer for hydraulic pressment, are
18 you?

19 MR. DETRICK: You're going to get it
20 anyway because you're using -- like you said.

21 MR. ROBERT GUICHET: That's what I'm
22 saying. You're going to get it, but the specs
23 don't say that you can do that that away. And I
24 don't want to have a confusion later on and say,
25 well, you guys read it. We want you to put in

1 eight inches and then come back and put in eight
2 inches more because it's not -- it's not
3 practical.

4 MR. DETRICK: Okay. Excuse me. I
5 guess -- and Kathy pointed out a good point.
6 The intent is again to have some control so that
7 we just don't have a mass of sand being dumped.
8 And like if you're getting layers, and when you
9 get to that eight inches that allows you a point
10 to where you would achieve your -- you would do
11 your compactive effort. We wouldn't expect you
12 to move your line every time, but, you know, you
13 would do that effort and then you will allow it
14 to build again. But --

15 MR. ROBERT GUICHET: You mean you're
16 going to put in an eight-inch layer and then
17 cross-section it or something and then come
18 back?

19 MR. DETRICK: No, no. There won't
20 be line rebuilding.

21 MR. ROBERT GUICHET: What I'm trying
22 to say is as you're placing it it's going to
23 gradually rise all the way to grade.

24 MR. DETRICK: Right.

25 MR. ROBERT GUICHET: It's not going to

1 just come out and pile up in one spot. If
2 you've seen a hydraulic fill placed, it doesn't
3 work quite like that. You know, the material is
4 going to -- but you're going to build all the
5 way to grade at the discharge pipe at the end of
6 the pipe before you add another pipe.

7 MR. DETRICK: Right. That will work.

8 MR. ROBERT GUICHET: And there will be
9 no stopping every eight inches. The dredge is
10 going to be continuously pumping until it gets
11 to grade.

12 MR. DETRICK: There are some
13 compaction requirements in there, and that's
14 where that eight inches is tied to. So as
15 that's getting close -- you're going to read
16 that again. You're going to want to read that
17 spec again. And if there's still, if there's
18 some confusion, then I suggest you either -- I
19 guess the proper way I guess is to submit it in
20 writing. But I'd read that again to make sure
21 you understand what happens at that eight
22 inches.

23 MR. ROBERT GUICHET: I mean, we pump
24 highway fills. We pump all types of fills. And
25 normally you get all the compaction requirement

1 for a highway fill by hydraulic placement.

2 MR. DETRICK: And there are provisions
3 in there for that too. We just want some
4 assurance. So if you go out there and you
5 verify -- and this is all addressed in the
6 specs. I'm not saying anything new here. And
7 you go out there and you verify that you are
8 achieving the compaction requirements then,
9 yeah, you're good to go.

10 MR. ROBERT GUICHET: Well, what do you
11 propose as verification?

12 MR. DETRICK: There are some testing
13 requirements where you basically do a test
14 section. And this is all outlined in the spec.
15 And then you verify that the relative density
16 has been achieved.

17 MR. ROBERT GUICHET: Okay.

18 MR. DETRICK: But I would strongly
19 suggest you read that section again for those of
20 you that are involved in the dredging aspect of
21 this. And if there's confusion, tell us again
22 and we'll make sure we get a clarification out.

23 MR. MARK SLOOP: My name is Mark Sloop
24 with Ideker Incorporated, and I have kind of a
25 general question on the Corps' intent on this

1 notice to offer.

2 MR. DIMMITT: Speak up a little bit.

3 I'm not sure everybody can hear you.

4 MR. MARK SLOOP: In this section 100
5 on page 1135 you have I guess goals in here for
6 various small business enterprises. Can you
7 maybe elaborate what the intent is? I mean, are
8 they goals, are they requirements or what?

9 MR. DIMMITT: I just barely heard your
10 question. Could you stand a little closer to
11 the speaker? I'm not hearing very well this
12 morning.

13 MR. MARK SLOOP: All right. In
14 section 100, page 1135, they have notice to
15 offer here, and it talks about goals for small
16 business enterprises and various disadvantaged
17 business enterprises. Can the Corps kind of
18 elaborate on what the intent of it is, if it's a
19 goal or a requirement or --

20 MR. DIMMITT: Sure. Chad or Earl,
21 could one of you address that?

22 MR. WAGNER: Yes. If the contract is
23 awarded to a large business then we require a
24 subcontracting plan, and the percentages that we
25 put in the specification are goals that we would

1 like the contractors to meet as far as
2 subcontracting to small business and small
3 disadvantaged business and so on. So that's
4 exactly what they are, is goals. So when you --
5 if you are a large business, you submit a
6 subcontracting plan to us, then we'll evaluate
7 it. If it's adequate, then we'll accept it and
8 we'll expect you to try to achieve those goals.
9 Okay? Does that answer your question?

10 MR. MARK SLOOP: Well, I guess then if
11 you can't meet -- if you're a large business,
12 and suppose I guess sub out 61 percent through
13 small business concerns, if you can't reach that
14 goal you've got to clarify why you couldn't meet
15 it; is that correct?

16 MR. WAGNER: Yeah. You would have to
17 give us some kind of explanation why you didn't
18 think you could meet those type of goals. Like
19 I said, that's exactly what they are. They're
20 goals. They're not --

21 MR. MARK SLOOP: So essentially if
22 we're a large business we have to sub out 61
23 percent plus this nine percent, five percent, we
24 do essentially about 30 percent of the work.

25 MR. WAGNER: Correct. And what I

1 said, like I said earlier, those are simply
2 goals. We're not dictating that you -- that
3 they're mandated you sub out say 61 percent of
4 your small business, but they're simply goals
5 that the Corps of Engineers has established.

6 AUDIENCE MEMBER: What you're saying
7 is it isn't -- the difference, you have a goal
8 to achieve and you try to achieve the goal. You
9 may go better than the goal in some areas and
10 some areas you may go a little bit lesser than
11 the goal. But as long as you put forth the
12 effort and you have the documentation to prove
13 that you put forth the effort it's satisfactory,
14 correct?

15 MR. WAGNER: Exactly. You have just
16 to attempt to meet the goals.

17 MR. MARK SLOOP: You're supposed to
18 have all your subs and everything at the time
19 you bid, correct?

20 MR. WAGNER: No, we don't require you
21 to list out your subs when you give us your
22 subcontracting plan. We just require you to
23 give us your best guess on what percentage you
24 will be able to sub out to different small
25 business -- to different small business and how

1 you will achieve that.

2 MR. MARK SLOOP: If you have two
3 contractors out there, one that can meet the
4 goal and the other one that has something less
5 than half that, is there going to be favoritism,
6 one over the other based on that?

7 MR. WAGNER: No. We would expect that
8 most large contractors would be able to meet
9 those small business goals. So I don't perceive
10 that to be a problem.

11 MR. WADE: And further
12 clarification -- my name is Cleve Wade. I'm
13 counsel at the district here. We have these
14 goals in every government construction contract.
15 They're pretty much dictated by the Department
16 of Labor. And they vary from county to county
17 as to what the percentages are, and I think in
18 some way they're based on the availability of
19 small business people and minorities to meet
20 those goals. And, again, they're not -- they're
21 goals that we expect every large business to try
22 to meet. And as Chad said, you submit your
23 subcontracting plan after the award and tell us
24 how you're going to attempt to meet those goals.
25 And as long as you are making legitimate effort

1 to meet those goals there will be no problem.

2 MR. GARY PAULEY: I'm sorry. A point
3 of clarification on that. Gary Pauley, Damon
4 Pursell. Is that percentages of the contract
5 amount or is it percentages of the portion of
6 the contract that you're going to subcontract
7 out?

8 MR. WAGNER: Repeat the question one
9 more time.

10 MR. GARY PAULEY: Okay. Say your
11 contract is 40 million dollars and you've got
12 the small business set aside part as 61.5
13 percent. Is that 61.5 percent of the 40 million
14 dollars, or if you're only going to subcontract
15 five million dollars of the 40 million, is that
16 61 1/2 percent of the five million?

17 MR. WAGNER: It's 61 percent of the
18 entire contract amount.

19 MR. GARY PAULEY: Oh, okay. Thank
20 you.

21 MR. WAGNER: The bid price. Correct.

22 MR. ROBERT GUICHET: Bob Guichet with
23 Great Lakes again. In section 02331, page 7,
24 paragraph 1.6.4.1, it states that mechanical
25 dredges are permitted, which contradicts section

1 02104 page 2, 1.4, limits the work to hydraulic
2 dredges.

3 MR. DETRICK: Are you in -- Charlie
4 Detrick, Corps of Engineers. Which contract?
5 You're in phase I. And what was the page you're
6 on? I'm sorry, sir.

7 MR. ROBERT GUICHET: If you go to
8 section 02331, page 7, paragraph 1.6.4.1, it
9 states that mechanical dredges are permitted.

10 MR. DETRICK: Okay. Correct.

11 MR. ROBERT GUICHET: Okay. If you go
12 to section 02104, page 2, paragraph 1.4, the
13 work is limited to hydraulic dredges.

14 MR. DETRICK: This section.

15 MR. ROBERT GUICHET: Hmm?

16 MR. DETRICK: This section is only
17 limited to hydraulic dredging.

18 MR. ROBERT GUICHET: Just that one
19 section.

20 MR. DETRICK: Yes.

21 MR. ROBERT GUICHET: Okay. In other
22 words, you can --

23 MR. DETRICK: The hydraulic
24 dredging --

25 MR. ROBERT GUICHET: In other words,

1 you're talking about different types of work.

2 MR. DETRICK: Right. The hydraulic
3 dredging applies to section 2104.

4 MR. ROBERT GUICHET: I got hung on
5 that one. Somebody else gave me that question
6 to ask. I follow you now.

7 MR. WADE: Before we get into a series
8 of issues, we'd like you to put them in writing
9 if you can and send them to us. And basically
10 that's not just so we don't confuse the issue by
11 shooting from the hip here, but it's also so
12 that all of you have equal access to the answer
13 we're going to give if it requires an answer.
14 That way we avoid any specific, you know, one
15 contractor calling up and asking a question and
16 he gets an answer and the rest of you guys don't
17 know what the answer is. Anything -- any
18 conflicts or ambiguities or anything you see in
19 here that you think needs to be addressed, you
20 need to bring it to our attention so that we can
21 address it, and if necessary to address it we
22 will put out an amendment to address it. You
23 may also get an answer that we believe the specs
24 is adequate and you need to bid it as you read
25 it.

1 MR. ROGER IDEKER: Roger Ideker,
2 Ideker Incorporated. I've got a question that
3 kind of goes along with Gary's. I still -- I'm
4 sorry, I still don't understand it. It regards
5 the small business concerns. You state 61
6 percent of planned subcontracting will be placed
7 with small businesses. Now, the way I read
8 that, that's different than saying 61 percent
9 will be subcontracted to small businesses.

10 AUDIENCE MEMBER: It's 61 percent of
11 the planned subcontracting.

12 MR. ROGER IDEKER: Yeah. Now, if I
13 plan to sub out five million, the way I read
14 this it's 61 percent of that five million will
15 be subcontracted to small business. Am I
16 correct or not?

17 MR. WAGNER: What we'll do is go back
18 and talk to our small business advocate and make
19 sure what I stated earlier is correct that it is
20 61 percent of the total contract value, but
21 we'll clarify that in an amendment.

22 MR. ROGER IDEKER: Well, it's very
23 unclear to me, so we'll wait for clarification
24 on that.

25 MR. DIMMITT: Chad, are you going to

1 clarify that on the web page then one way or the
2 other? Sounds like we've got issues on that
3 one.

4 MR. WAGNER: Well, we can either
5 clarify that on the web page or in an amendment,
6 one of the two, but we'll get it out. And to
7 clarify the question earlier in reference to the
8 completion schedule, in section 800 of the
9 specifications it does not specifically say what
10 the completion schedule is so that will have to
11 be addressed by amendment also.

12 MR. DION KOERKENMEIER: Dion
13 Koerkenmeier, Granite. Will the bid date slide?
14 Will it be postponed a couple of weeks or is it
15 set in stone?

16 MR. DIMMITT: It may slip. It may
17 not. It depends on the amendments we put out.
18 I don't know right now.

19 MR. DION KOERKENMEIER: Okay.

20 MR. DIMMITT: We can't guarantee that
21 it will still stay February 5.

22 MR. DION KOERKENMEIER: Thank you.

23 MR. DIMMITT: Any more questions out
24 there?

25 MR. LARRY MATTESON: Larry Matteson

1 from LW Matteson, Incorporated. Could you
2 elaborate on the bottom degradation requirements
3 as far as the dredging as to what's going to
4 determine whether it's done in one phase or two
5 phase?

6 MR. DETRICK: Charlie Detrick, Corps
7 of Engineers. As far as, basically, first the
8 river recovery, we have done some preliminary
9 studies and such and all supported the design of
10 this project. And we feel the best way to
11 ensure that is to have the surveys completed,
12 ensure recovery is made. Survey is required
13 regardless even if you opt to go 11-month
14 waiting period between dredging areas. It does
15 re -- this is all spelled out again. And it
16 does recover per the surveys. The surveys show
17 that it's recovered then you can just continue
18 on.

19 MR. DION KOERKENMEIER: Can you
20 elaborate on what you mean by recovery? I mean,
21 is it that there's no upstream bottom
22 degradation occurring? Is that what you're --

23 MR. DETRICK: The specifications
24 require the surveys be completed from one mile
25 downstream of the dredging activity to one mile

1 upstream of the dredging activity. And if it's
2 recovered within those limits, I think it's a
3 foot or whatever it says in there, then you
4 could continue on. Otherwise you would wait the
5 11-month period.

6 MR. DION KOERKENMEIER: But that can
7 be done as you're dredging so that you don't
8 have to -- you don't have to shut down dredging
9 and do those studies.

10 MR. DETRICK: Obviously, it would have
11 to be done close to the end of that first, you
12 know, as you're approaching that 180-some
13 thousand -- or, excuse me -- that 80-some
14 thousand yards, whatever it is.

15 MR. DION KOERKENMEIER: Right.

16 MR. DETRICK: But, again, there is --
17 you need to read that closely. If it's not
18 still clear then request a clarification because
19 there is one other provision in there that
20 allows for something less than the 11-month.
21 There's a multitude of options here. So you
22 want to make sure you understand that section.

23 MR. DION KOERKENMEIER: Okay. Thank
24 you.

25 MR. GREG WRIGHT: Greg Wright with

1 Kelly-Hill Company. How much work would you
2 anticipate the Burlington Northern handling of
3 any rail work?

4 MR. DIMMITT: We have a contract with
5 the Burlington Northern to do the actual
6 breaking of the rail, putting the new rail back.
7 And there will be a contract that the Corps of
8 Engineers actually has directly with the
9 Burlington Northern Railroad and also to furnish
10 flag men and the safety issues such as that. Is
11 that your question?

12 MR. GREG WRIGHT: Is there any rail
13 work that would be done by private forces?

14 MR. DIMMITT: As far as actually
15 breaking rail or putting new rail back or
16 anything like that?

17 MR. GREG WRIGHT: (Nodded head.)

18 MS. O'CONNELL: Tricia O'Connell,
19 Corps of Engineers. All of the work pertaining
20 to the rail will be done by Burlington Northern.

21 MR. GREG WRIGHT: Okay. Okay.

22 MS. O'CONNELL: Nothing to place back.

23 MR. GREG WRIGHT: Okay. I had heard
24 that there was a shoofly, and a lot of times the
25 railroads will defer and allow a contractor to

1 do that work.

2 MS. O'CONNELL: Right.

3 MR. GREG WRIGHT: Usually, if it has
4 to do with their main line they generally want
5 to do it themselves.

6 MS. O'CONNELL: They are doing it
7 themselves. There is no shoofly.

8 MR. GREG WRIGHT: Okay. Thank you.

9 MR. DIMMITT: Bob Dimmitt again. Let
10 me just elaborate. There is no shoofly on the
11 railroad. There was in an earlier version. We
12 do not have a shoofly. There is two tracks
13 right now, and we are allowed to go down to a
14 single track and you can work. Where the
15 existing track is the track will be switched
16 over. You'll only have 30 days to get all your
17 work done under both tracks and get both tracks
18 back into operation. That's at gate Q1 as well
19 as gate Q3. The railroad has very strict time
20 requirements under that. So there's not a lot
21 of extra time in there to get all the foundation
22 done for those two gates.

23 MR. GREG WRIGHT: Okay.

24 MR. BILL WOODSIDE: Bill Woodside with
25 Damon Pursell. There is some internal rail

1 lines at the Intercontinental facility that I
2 doubt that the Burlington is going to do that
3 work that has to be raised and/or relocated to
4 accommodate the new levee.

5 MS. O'CONNELL: Intercon has some spur
6 lines, and one of the requirements is the spur
7 line that's going to be along the levee, that
8 that not be moved. So the contractor would be
9 required to work around that line according to
10 the specs. So actually -- probably wouldn't be
11 doing work on that line.

12 MR. DIMMITT: Trish, what about Q2?

13 MS. O'CONNELL: That's true. Q2 there
14 is a small section of rail that will need to be
15 slightly raised, very slightly. And part of
16 that will complete the stop log gap
17 construction, but that's a fairly small length.

18 MR. BILL WOODSIDE: Okay. But that's
19 not covered. BN will not do that. It will be
20 the contractor's responsibility to do that.

21 MS. O'CONNELL: Correct.

22 MR. BILL WOODSIDE: Okay.

23 MR. WADE: Bob, before we go any
24 further, can we check that mike?

25 MR. DIMMITT: Sure.

1 (Discussion off the record.)

2 MR. DIMMITT: Now that we have the
3 microphone working, we need at least one more
4 question here.

5 MR. ROBERT GUICHET: Bob Guichet with
6 Great Lakes again. Looking at the line and fill
7 placement, there is a requirement there is
8 no -- I didn't see much of a requirement. But
9 along where the Burlington Railroad is, is there
10 going to be any problem with placing that fill
11 hydraulically in that area? I know the
12 railroads typically don't like you placing a
13 hydraulic fill close to their tracks. In some
14 places this thing comes right up against the
15 base of the tracks.

16 MR. DETRICK: Charlie Detrick, Corps
17 of Engineers. There shouldn't be any hydraulic
18 fill placed near the main line. That's where
19 the contracts break.

20 MR. ROBERT GUICHET: Okay.

21 MR. DETRICK: And on the phase II
22 there is no --

23 MR. ROBERT GUICHET: Okay. That's
24 different line and fill then. Okay.

25 MR. DIMMITT: Okay. Any more

1 questions? This is your opportunity here. Feel
2 free to ask any question you like about the
3 project. One last time. Anything else that
4 anybody wants to bring up in the public meeting
5 here?

6 MR. WADE: Bob, before we close, I'm
7 sure Bob mentioned this before, but I want to
8 encourage all of you to closely check your bids
9 before you submit them. Make sure you dotted
10 all your I's and crossed all your T's, fill in
11 everything that needs to be filled in. Because,
12 unfortunately, it's been my experience with my
13 tour with the Corps that otherwise low bidders
14 that would have got contracts often get
15 disqualified because they failed to acknowledge
16 an amendment, they failed to fill in a bid on
17 one or more of the items that should have been
18 filled in or they failed to check a block here
19 or there or elsewhere, didn't have the proper
20 bid bond amount.

21 And make sure you check all that
22 stuff. We don't like to lose low bidders
23 because of that, but unfortunately that is the
24 federal contracting rules. And if all the I's
25 and all the T's are not crossed, your bid won't

1 be considered for award even though it's a low
2 bid. So, please, double-check it before you
3 drop it in the mail or hand-carry it in.

4 MR. DIMMITT: Okay. Anybody else have
5 anything else? Earl, do you have any -- or
6 Chad -- any last remarks here?

7 MR. EARL SMITH: I just want to locate
8 the notebook for the sign-in. Evidently,
9 there's two lists going around, and one's the
10 notebook form and the other one's a note pad.
11 And if you haven't signed that, would you please
12 make sure that you sign in before you leave?
13 And then I believe, if it makes sense, we're
14 talking about we're going to provide, if I'm not
15 mistaken, a complete copy of the minutes on the
16 web site of this meeting, and I believe at the
17 same time we'll provide you an e-mail address to
18 forward your inquiries to if you don't get it
19 from us today.

20 MR. WADE: All questions, if they're
21 submitted, will get an answer one way or the
22 other. As I said, you are required an
23 amendment, you'll get an amendment. If the
24 plans and specs are clear in our view, you'll be
25 told that we believe the plans and specs are

1 clear. But they will get an answer one way or
2 another. And I know the answers will go to
3 everybody who got specs.

4 MR. RICK SMITH: What do you think the
5 schedule is for getting the minutes on the web?
6 Will we have -- specifically the sign-in sheet,
7 more importantly. I'd like to get the sign-in
8 sheet as soon as possible.

9 MR. WADE: Well, the first question is
10 how quick she gets them typed up. So --

11 MR. DIMMITT: No, he said the sign-in
12 roster. We have the sign-in roster right now.
13 Earl, it's however long it would take you to get
14 it up and put it on the web page.

15 MR. EARL SMITH: We'll shoot for
16 today. I would prefer to project tomorrow, to
17 be honest with you. I would like to go ahead
18 and gather those pieces of information, the
19 sign-in and the minutes, if we could. If that's
20 going to be a delay, then we'll go ahead and get
21 the sign-in sheet and we'll do it in two phases.
22 And I would like to say tomorrow.

23 MR. DIMMITT: Okay. So we'll get it
24 put on as soon as we can, and then as soon as we
25 get the transcription from the minutes we'll put

1 that up. And I would assume that would be
2 sometime next week probably. So probably next
3 week on that. I would ask for your detailed
4 questions that you have -- I have my cards up
5 here. And they're brand-new cards. I just got
6 them a couple of weeks ago so the e-mail address
7 is still right. And so feel free to pick up one
8 of my cards. Feel free to e-mail me your
9 comments. The fax number is on there. You can
10 fax them. Either way you want to get them to
11 me. If you want to come down to the office and
12 drop them off down there, that's fine too.

13 MR. EARL SMITH: Why don't you just
14 give them your e-mail address? Just go ahead
15 and tell us your e-mail address for those who
16 don't get a card.

17 MR. DIMMITT: Okay. If you're ready
18 to copy, my e-mail address is Robert,
19 r-o-b-e-r-t, dot g, as in golf, dot
20 d-i-m-m-i-t-t -- D as in delta, I as in India, M
21 as in Mike, M as in Mike, I as in India, T as in
22 tango, T as in tango. D-i-m-m-i-t-t. At
23 u-s-a-c-e, dot army, dot mil. US Army Corps of
24 Engineers dot Army dot mil. Okay? Let me go
25 over it one more time. Robert dot G dot Dimmitt

1 at USACE dot Army dot mil. And feel free to
2 pick up one of my cards that has the same
3 address on it.

4 And one last time, are there any
5 other, more questions? This is your best
6 opportunity to ask us questions.

7 AUDIENCE MEMBER: Your fax number?

8 MR. DIMMITT: Okay. My fax number is
9 area code 816-426-6356.

10 MR. JOHN HILL: John Hill, Hill
11 Brothers Construction. I believe in your bid
12 form you've got some accounting information
13 asked for. What's the purpose of that? Does it
14 serve any part of the award of the contract?

15 MR. DIMMITT: Chad, can you address
16 that?

17 MR. WADE: The reason we do that is
18 the federal acquisition regulations require
19 every contractor to have a consistent accounting
20 method and it uses the same accounting method
21 from the beginning to the end of a contract. In
22 the past we have had contractors who, where
23 there's a change in the contract, that did not
24 require an accounting schedule. In other words,
25 the work wouldn't have been on the critical

1 path. They will come in with their proposal for
2 the change and they will claim a percentage
3 markup for field office overhead. On the other
4 hand, the very next day we might issue a change
5 that it does require a time extension to the
6 contract and they will come in and claim a per
7 diem rate. The government was getting ripped
8 off and we got tired of it. And this has been
9 litigated all the way through the board,
10 contract appeals, being through what they call
11 their secret deciding group, 13 judges. The
12 case name was MA Mortons and the AGC was funding
13 and they wanted to honor the contract, as I
14 understand it, or on that appeal. And that's
15 the law. You guys have got to tell us what
16 you're going to do and stick with it. We don't
17 care which way you go, but whatever way you pick
18 you're going to stick with it.

19 MR. JOHN HILL: Has no effect on the
20 lower bidder.

21 MR. WADE: No, it doesn't. No.

22 MR. JOHN HILL: Just information.

23 MR. WADE: Well, yeah. So we know.

24 And we need to know in advance so that if the
25 first change out of the gate is one way or the

1 other, you don't decide you're going to go the
2 way that's most advantageous to you and most
3 disadvantageous to the government. You know,
4 all we want you to do is just have a consistent
5 method and stick with it, which is what the law
6 requires.

7 MR. DIMMITT: Okay. One last time
8 around the room. Any -- no questions? And
9 we'll bring this to a close. No more questions?
10 Again, I certainly appreciate everybody coming
11 out today for this conference. I think we're
12 going to -- one question. Sorry.

13 MR. DONAVAN HITE: I'm sorry. It just
14 took me a little while to get around. Donovan
15 Hite, Flick Seed. I have two questions that
16 will affect my bid price, and they're
17 discrepancies in the bid schedule from the
18 specifications. In phase I, page 8 of the bid
19 schedule, seeding mixes are listed RS and LS.
20 One seed mix is going to be considerably more
21 expensive than the other. Nowhere else in the
22 bidding documents are they listed as RS and LS.
23 They're listed in the rest of the bidding
24 documents, plans and specifications as mixes A
25 and B. Which is mix A and which is mix B? The

1 second question is phase II, pages 19 and 23 of
2 the bidding schedule, both list seeding and
3 mulching. There are also two mixes, one turf
4 mix and one out of area mix. Again, one is more
5 expensive than the other and will affect the bid
6 price. It does not say which item is the turf
7 mix and which item is the levee mix. It simply
8 says seeding and mulching mix. I've already
9 faxed in a list of these questions to Marty. I
10 have another hard copy to give to you so they
11 can come out in the amendment.

12 MR. WADE: Thank you.

13 MR. SCHUETTPELZ: Marty Schuettpelz
14 with the Corps environmental. Appreciate you
15 getting up there, Donovan. I have an apology to
16 make. In fact, I overslept this morning and my
17 stuff is all sitting at work so I didn't get --
18 I don't have an answer for you directly right
19 here. But I will get --

20 MR. DONAVAN HITE: That's fine.

21 MR. SCHUETTPELZ: I will get back and
22 have that clarified and have that put either on
23 the site to explain it or, if necessary, there
24 will be -- you know, there will have to be an
25 amendment, but I don't know if that's necessary

1 at the moment. Maybe just require a
2 clarification.

3 MR. DIMMITT: Okay. Anybody else out
4 there that would like to ask a question before
5 we call a halt to it?

6 MR. WADE: Bob, before we close, if
7 any of you haven't been to the federal building
8 in recent months, don't wait until the last
9 minute if you expect to attend this bid opening.
10 There's quite a process you're going to go
11 through getting into the building. I'd advise
12 you to leave all the metal that you normally
13 carry on your body or in your briefcase in your
14 car to the extent possible. If you have a cell
15 phone, you're required to turn it off. It's not
16 a problem. You're required to turn it off.
17 You're going to have to have a picture ID. And
18 so, you know, years past you just walked in
19 there. That's not the way it is any more
20 unfortunately. So give yourself plenty of lead
21 time if you plan to attend the bid opening.

22 MR. DIMMITT: Also, that brought up
23 another point I was just thinking about. I know
24 a couple of people have mentioned they didn't
25 have the disk, and if you want a disk you can

1 pick it up from Earl Smith down at the
2 contracting office. What's your room number
3 down there, Earl?

4 MR. EARL SMITH: 760.

5 MR. DIMMITT: 760. And he has some
6 extras if you want to stop down there and pick
7 it up. For those of you that don't know where
8 the federal building is, it's 601 East 12th,
9 just right in the downtown area, so it's fairly
10 easy to find. Anything else before we bring it
11 to a close? I sure appreciate everybody coming
12 out today, the Corps people helping to answer
13 questions. And I certainly appreciate the City
14 of Riverside providing this facility for us. So
15 with that, we call this meeting to a close, and
16 thank you very much.

17 (The pre-bid conference concluded at
18 10:05 a.m.)

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1 C E R T I F I C A T E

2 I, Sharry L. Hadley, a Notary Public of
3 the State of Missouri, do hereby certify that I
4 appeared at the time and place first hereinbefore
5 set forth, that I took down in shorthand the entire
6 proceedings had at said time and place, and that the
7 foregoing constitutes a true, correct, and complete
8 transcript of my said shorthand notes.

9 Witness my hand and seal this 14th day of
10 January, 2002.

11

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13

14

15 Sharry L. Hadley

16 Notary Public, State of Missouri

17 My commission expires 5/21/2002

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